

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

VICTOR M. TAGLE, SR.,
 Plaintiff(s),

v.

U.S. CUSTOMS & BORDER
 PROTECTION, et al.,
 Defendant(s).

Case No.: 2:20-cv-00080-RFB-NJK

REPORT AND RECOMMENDATION

Pending before the Court is Plaintiff's application to proceed *in forma pauperis*. Docket No. 1.¹

Plaintiff is a prolific filer who is a prisoner with three or more cases dismissed for failure to state a claim or maliciousness. *See Tagle v. DHS/ICC INS*, 2019 WL 4855351, at *1 (D. Nev. Oct. 1, 2019) (citing cases). As a result, Plaintiff may not proceed *in forma pauperis* unless he is "under imminent danger of serious physical injury." 28 U.S.C. § 1915(g). To satisfy this provision, there must be plausible allegations of an imminent danger, *e.g.*, *Andrews v. Cervantes*, 493 F.3d 1047, 1055 (9th Cir. 2007), and those allegations must be related to the causes of action in the complaint, *e.g.*, *Asemani v. Islamic Republic of Iran*, 2019 WL 4935595, at *1 (D. Haw. Oct. 7, 2019) (collecting cases). The latter requirement means that Plaintiff must show that (1) the imminent danger is fairly traceable to the unlawful conduct asserted in the complaint and (2) a

¹ As a litigant proceeding without an attorney, the Court construes Plaintiff's filings liberally. *Blaisdell v. Frappiea*, 729 F.3d 1237, 1241 (9th Cir. 2013).

1 favorable outcome would redress that injury. *Pettus v. Moregenthau*, 554 F.3d 293, 298-99 (2nd
2 Cir. 2009).

3 In this case, Plaintiff's claims arise out of alleged misconduct from roughly 30 years ago
4 related to immigration and Plaintiff's citizenship status. *See* Docket No. 1-1 at 3-5. For example,
5 Plaintiff alleges that immigration officials demand he pay \$5,000 in exchange for a citizenship
6 certificate. *See id.* at 3. Plaintiff also asserts in conclusory fashion that he currently faces danger
7 in prison, *see id.* at 6, without pleading any causal connection between the decades-old alleged
8 misconduct and the current alleged danger. Nor has Plaintiff made any kind of showing that the
9 relief sought (in the form of damages from immigration agencies and immigration officials) would
10 redress the alleged injury he claims with respect to prison conditions.²

11 Accordingly, the undersigned **RECOMMENDS** that Plaintiff's application to proceed *in*
12 *forma pauperis* be **DENIED** and that he instead be required to pay the filing fee.

13 Dated: July 14, 2020

14 
15 Nancy J. Koppe
16 United States Magistrate Judge

17 **NOTICE**

18 This report and recommendation is submitted to the United States District Judge assigned
19 to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and
20 recommendation must file a written objection supported by points and authorities within fourteen
21 days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file
22 a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951
23 F.2d 1153, 1157 (9th Cir. 1991).

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28 ² Because the alleged danger is untethered to the underlying claims, the Court need not
address whether the allegations are otherwise sufficient to avoid the three-strikes provision in §
1915(g).